

RESPONSE

Claims 5-7 are presently pending. Supported for amended Claim 5 can be found in the specification, *inter alia*, at page 11, line 29 (in the Examples section). As such, the amendment of Claim 5 is not deemed to constitute new matter.

I. Claim Objections

The Examiner has objected to Claims 5-7 because Claim 5 allegedly reads on a nonelected invention, and Claims 6 and 7 are in improper format. Amended Claim 5 clearly recites that it claims a *process* for producing a gene targeted animal cell, etc. and thus the objection to Claim 5 is deemed to have been avoided by amendment. The objections to Claims 6 and 7 are also deemed to have been avoided by Applicants amendment to the language suggested by the Examiner.

II. Claim Rejections Under 35 USC Section 112

The Examiner has rejected Claim 5-7 under 35 USC Section 112, second paragraph as allegedly indefinite. Applicants submit that those skilled in the art would clearly understand that Claim 5 recites that the genomic clones are present in a vector and that the combination has been placed into individual wells of a microtiter plate (which serves as a source of clone “stock” for subsequent use and manipulation). Amended Claim 5 also recites that the claimed process requires the use of a genomic clone that has come from a collection of genomic DNA clones that have undergone the steps of being individually isolated and arrayed into wells of a microtiter plate. In view of the above remarks and amendments, the Examiner’s rejections of Claim 5-7 under 35 USC Section 112, second paragraph are deemed to have been avoided.

III. Claim Rejections Under 35 USC Section 102

The Examiner has rejected Claims 5-6 as allegedly anticipated by the Nehls PCT application. Applicants have amended Claim 5 to recite that the individual genomic clones be arrayed into corresponding individual wells of a microtiter plate. Nehls does not teach this element and thus the rejection of Claims 5 and 6 under 35 USC Section 102(b) is deemed to have been avoided by amendment.

The Examiner has also rejected Claims 5-7 under 35 USC Section 102(e) as allegedly

anticipated by Westphal et al.. In view of the above amendment of Claim 5, the pending rejection is also deemed to have been avoided by amendment.

IV. Conclusion

The present document is a complete response to the outstanding Office Action and Applicants believe that the claims of the instant application meet all of the conditions for patentability and are in condition for allowance. Accordingly, an early indication of the same is respectfully requested. Should Examiner Whiteman have any questions or comments, or believe that certain amendments of the claims might serve to improve their clarity, a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,

December 16, 2003

Date



Lance K. Ishimoto
Attorney for Applicants

Reg. No. 41,866

LEXICON GENETICS INCORPORATED
(281) 863-3333

Customer # 24231